

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:	:	
ROBERT JOSEPH KROBOTH	:	Case No. 16-13342REF
and MELANIE ANN KROBOTH,	:	Chapter 12
Debtors	:	

ORDER

AND NOW, this 9th day of May, 2017, upon my consideration of the Motion for Relief from Automatic Stay filed by the United States of America, acting through the Commodity Credit Corporation, United States Department of Agriculture (“USDA”), the responses thereto filed by Fulton Bank, N.A. and Debtors, and the Stipulation of Facts and post-hearing briefs filed by the parties, and after hearing held on February 28, 2017, and oral argument held on May 3, 2017,

AND UPON MY FINDINGS AND CONCLUSIONS that the USDA’s right to offset the debt Debtor, Robert Joseph Kroboth (“Debtor”), owes to it against the debt it owes to Debtor arises under 7 C.F.R. §1403.7, United States v. Myers (In re Myers), 362 F.3d 667, 674 (10th Cir. 2004); Doko Farms v. United States, 956 F.2d 1136, 1142-43 (Fed. Cir. 1992); In re Gibson, 308 B.R.763, 766 (N.D. Tex. 2002), and not under Pennsylvania law, and therefore, the requirement

under Pennsylvania law that the debt owing from the debtor to the creditor be matured does not apply in this case,

IT IS HEREBY ORDERED that the USDA's Motion for Relief from Automatic Stay is GRANTED.

IT IS FURTHER ORDERED that relief from the automatic stay of Section 362 of the Bankruptcy Code, 11 U.S.C. §362, is hereby granted to the USDA, so that it may offset the ARC-CO payment it owes to Debtor in the amount of \$44,737 against the amount Debtor owes to it.

BY THE COURT

A handwritten signature in black ink, appearing to read 'R. Fehling', is written over a horizontal line.

RICHARD E. FEHLING
United States Bankruptcy Court